

## REMARKS

The present amendment is submitted in response to the Office Action dated June 30, 2004, which set a three-month period for response, making this amendment due by September 30, 2004.

Claims 1-13 are pending in this application.

In the Office Action, claim 1 was objected to for an informality. The specification was objected to as being in improper form. Claim 1 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1-13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,341,871 to Stelzer in view of U.S. Patent No. 5,250,866 to Fukui.

In the present amendment, the specification was amended to add standard sectional headings and to delete reference to the claims.

Claim 1 was amended to address the stated objection and rejection under Section 112 by adopting standard U.S. claim format and language. Claims 2-13 were similarly amended. New claim 14 was added, which includes a portion of the limitations of claim 11.

With regard to the substantive rejection under Section 103, the Applicant respectfully disagrees that the cited reference combination makes obvious the present invention as defined in claims 1-13.

According to the position of the Examiner, in the primary reference to Stelzer et al, the second housing part 54, which is formed as a motor flange for attachment of the electric motor 20 to the carrier element, is formed by the

component 42 (see Figure 1 and the associated description in column 2, lines 49-51).

The component 42 identified as the motor flange or the second housing part 54 does not permit the first housing part to at least partially engage about the motor shaft in an axial direction. The component 42, which is designated in the Stelzer patent as a "retaining flange" (column 2, line 5), is merely a support ring (see for example Figure 3), which is not formed as a motor flange for attachment of the electric motor and which does not engage at least partially about, or encompass, the first housing part in the axial direction of the motor shaft. In addition, this component does not have the recesses in the second housing part running in the radial and axial direction, as defined in amended claim 1.

The Applicant respectfully submits that if the component 42 from the disclosure of Stelzer is equated with the claimed motor flange of the present invention in an impermissible manner, the claimed features of this motor flange are NOT provided in the Stelzer reference.

In addition, as noted above, the second housing part 54 of the present invention, which is formed as a motor flange for attachment of the electric motor 20 to a carrier element, has recesses 57 running in the radial and axial direction. The Examiner identified the recesses 57 of the present invention, which are arranged in the motor flange, as the recesses 33, 36c of the device of Stelzer et al. These recesses of Stelzer, however, are not formed on the second housing

part, and therefore, are not formed on the motor flange, as defined in the claims of the present application.

Furthermore, also the argument of the Examiner that the connecting means 130, which are formed on the outer ends of the plastic spokes 126, 127, 128, and 129, serve for connection to the second housing part, is incorrect, since the second housing part should be formed by the component 42, according to the view of the Examiner (see page 4, lines 1-3 of the Office Action). As can be clearly seen from Figure 1, it is not possible to create a connection to the flange element 42 with the connecting means 130.

Also, the peg 34, noted by the Examiner, do not engage in corresponding recesses of the motor flange 42 in the Stelzer et al patent.

In conclusion, the Applicant respectfully submits that the Examiner has impermissibly identified elements of the Stelzer reference with the second housing part of the present invention, which is formed as a motor flange for attachment of the electric motor. Specifically, the Examiner equates this feature of the present invention with the flange element 42, the component 14, and the component 17 of the Stelzer reference. However, Stelzer fails to disclose a second housing part, which is formed as a motor flange for attachment of the electric motor to a carrier element and which has the features of the motor flange of claim 1. In particular, no motor flange is disclosed in Stelzer, which engages about the first housing part in the axial direction of the motor shaft at least partially. Also, the Stelzer patent fails to disclose or suggest a motor flange, which has recesses running in the radial and axial direction.

Furthermore, it should be noted that the Stelzer patent also shows not flat plastic spokes. These spokes serve an important purpose in the inventive concept of the present invention. As provided on page 10, lines 9-15 of the present application, "the spokes 28 are relatively flat in shape; that is, their thickness 30 is markedly less than the corresponding radial and axial lengths of the spokes 28. This relatively flat form of the spoke elements 28 advantageously enables torsional vibration of the first housing part to be decoupled, since a corresponding deformation (torsion) of the spokes 28 is possible".

As shown, for example, in Stelzer's Figure 1, the spoke elements 126-129 are not formed to be flat, but have a more or less square cross section. Such spokes do not make possible torsional vibrations of the first housing part to be decoupled.

In this connection, the device of the present invention serves for vibration coupling between an engine and an engine flange. For this purpose, spoke-like elements are provided between the engine housing (first housing part) and the motor flange (second housing part), which are capable of vibration. As the title of the Stelzer patent itself indicates, this device operates as a snap connection for an engine ventilator. A decoupling issue, which is the underlying object of the present invention, is not mentioned in the Stelzer patent.

The cited combination of the Stelzer patent with the Fukui patent could not render obvious the present invention under Section 103. The Fukui patent merely shows an engine housing with permanent magnets attached therein. The practitioner, upon combining the Stelzer and Fukui patents, could not be lead to

the teachings of the present invention, specifically, a decoupling action, based on flat plastic spokes. Both of the cited references fail to disclose these features of claim 1 of the present application.

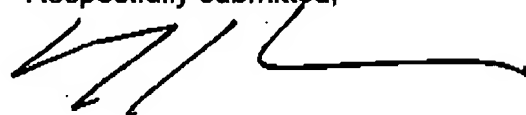
Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under Section 103, teachings of references can be combined only if there is some suggestion or incentive to do so. **ACS Hosp. Sys., Inc. v. Montefiore Hosp.**, 221 USPQ 929, 932, 933 (Fed. Cir. 1984). The cited reference combination fails to provide any such suggestion or incentive.

For the reasons set forth above, the Applicant respectfully submits that claims 1-14, as amended, are patentable over the cited art. The Applicant further requests withdrawal of the rejection under 35 U.S.C. 103 and reconsideration of the claims as herein amended.

In light of the foregoing amendments and arguments in support of patentability, the Applicant respectfully submits that this application stands in condition for allowance. Action to this end is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, consisting of a stylized 'W' followed by a horizontal line.

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